

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 18, 2004

H026453 WEST-JENSEN, et al. v. WISBROD, et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed October 18, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026774 PEOPLE v. SORENSON

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated August 4, 2004, is hereby vacated. The court by separate letter issued October 7, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: October 18, 2004 Rushing, P.J.

H026109 PEOPLE v. SWANSON

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 18, 2004

H027298 In re JOSHUA C.; DFCS v. DARLENE C.

The order appealed from is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Mihara, J.)
Filed October 18, 2004

H026467 PEOPLE v. LAZAREVICH

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 18, 2004

TUESDAY, OCTOBER 19, 2004

H026343 LEE v. INTEL CORPORATION

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 19, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Elia, J.; Mihara, J.; and Beth Miller, Deputy Clerk.

Sixth Appellate District

San Jose, California

Tuesday, October 19, 2004 (continued)

H026869 WEST MARINE, INC. v. CAUSEIKNOW@YAHOO.COM

Cause called and argued by Mark Goldowitz appearing for Appellant and by Ian Ballon appearing for Respondent. Cause ordered submitted.

H026797 ROLAND v. SERVICE RENT-A-CAR

Cause called and argued by Charles Norman LaForce appearing for Appellant and by Brian J. O'Grady appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Mihara, J. leave the bench and Bamattre-Manoukian, J. and McAdams, J. take the bench.

H026463 PEOPLE v. WHALEY

Cause called and argued by Marylou Hillberg appearing for Appellant and by Jeffrey M. Bryant, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026982 ENRILE, et al. v. SHENG HSIANG JEN FOODS COMPANY, LTD., et al.

Cause called and argued by Gary L. Simms appearing for Appellants. There was no appearance by Respondents. Cause ordered submitted.

H026390 TEFFERA v. MORYL

Cause called and argued by Martin L. Bishop appearing for Appellant and by Peter Maclaren appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Rushing, P.J.; McAdams, J.; Walsh, J.*; and W. Magsaysay, Deputy Clerk.

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027025 IN RE MATTHEW O.

Cause called and argued by Rita Defilippis appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Thereafter Rushing, P.J. and McAdams, J. leave the bench; Bamattre-Manoukian, Acting P.J. and Mihara, J. take the bench.

Sixth Appellate District

San Jose, California

Tuesday, October 19, 2004 (continued)

H025940 ZLATANOV, et al. v. BANK ONE, N.A., et al.

Cause called and argued by Brian Beckwith appearing for Appellants, by George G. Beckwith appearing for Respondent Bank One, N.A. and by Gregory Storey appearing for Respondent David D. Dietrich. Cause ordered submitted. Walsh, J.* then leaves the bench and McAdams, J. takes the bench for the remainder of the cases on the court's oral argument calendar. (*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026688 LEVINSON v. JOSEPH

Cause called and argued by appellant Rhawn Joseph, appearing in propria persona, and by J. Michael Fitzsimmons appearing for Respondent. Cause ordered submitted.

H026101 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Cause called and argued by Benjamin H. Scharf appearing for Appellant and by Dale Alison Holzschuh appearing for Respondent. Cause ordered submitted. Court adjourns.

H026748 PEOPLE v. ALVARADO

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated October 5, 2004, is hereby vacated. The court by separate letter issued October 18, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: October 19, 2004 Rushing, P.J.

H026670 KNAPP, et al. v. DOHERTY, et al.

By the Court:

The opinion in the above-entitled matter filed on September 20, 2004, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be published in the Official Reports, and it is so ordered. Pursuant to rule 976(a) and 976.1, this opinion is certified for publication.

Dated: October 19, 2004

(Walsh, J.*; Premo, Acting P.J., Bamattre-Manoukian, J.)

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

WEDNESDAY, OCTOBER 20, 2004

H026964 PEOPLE v. ALBERT

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed October 20, 2004
(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026320 PEOPLE v. BAULER

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Elia, Acting P.J., Bamattre-Manoukian, J.)
Filed October 20, 2004

H026981 PEOPLE v. MARTE

The judgment is affirmed. (not published)
(Walsh, J.*; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)
Filed October 20, 2004
(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026415 PEOPLE v. PHAN

The judgment is affirmed. (not published)
(Walsh, J.*; We concur: Rushing, P.J., McAdams, J.)
Filed October 20, 2004
(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027455 HATAMI v. DEL PONTE

The judgment of the trial court is affirmed. Del Ponte is awarded reasonable attorney fees and costs. (Code Civ. Proc., § 425.16, subd.(c).)(not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed October 20, 2004

Sixth Appellate District

San Jose, California

Wednesday, October 20, 2004 (continued)

H026365 PEOPLE v. SANCHEZ

The judgment is reversed. The matter is remanded to the trial court for the limited purpose of allowing defendant to file his motion to withdraw his plea pursuant to section 1018. If defendant does not file a motion, or files a motion that is denied, the trial court shall reinstate the judgment. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 20, 2004

H027038 PEOPLE v. BROWN

The judgment is modified to reduce the section 1202.4 restitution fine and the suspended section 1202.45 restitution fine to \$200 for each fine, and to strike the \$70 AIDS education fee. The judgment is also modified to reflect that the defendant is subject to a three-year term of parole when he is released from prison. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Mihara, J.)

Filed October 20, 2004

H024429 PEOPLE v. SCOTT

The sentence is modified to strike the enhancements under section 667.5, subdivision (b). The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 20, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; McAdams, J.; Walsh, J.*; and R. W. Norvelle, Deputy Clerk. (*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H026605 MOORE v. STATE OF CALIFORNIA

Cause called and argued by Nicole Hancock appearing for Appellant and by Kenneth G. Nellis appearing for Respondent. Cause ordered submitted. Court adjourns.

Sixth Appellate District

San Jose, California

THURSDAY, OCTOBER 21, 2004

H026800 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh, J.*)

Filed October 21, 2004

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H027574 PEOPLE v. MADERA

The judgment is modified to stay the concurrent term imposed on count 2. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 21, 2004

H025957 KEPHART v. FLEXTRONICS INTERNATIONAL, LTD., et al.

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated August 10, 2004, is hereby vacated. The court by separate letter issued October 20, 2004, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: October 21, 2004 Rushing, P.J.

H026133 PEOPLE v. JORDAN

The conviction on count 7 is reversed, and the judgment is ordered modified by striking the stayed sentence for that conviction. The judgment is further ordered modified by striking the \$50 drug lab fee, the \$150 drug program fee, and the related penalty assessments. As so modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 21, 2004

H026714 PEOPLE v. VILLAREAL

The judgment is reversed. (not published)
(Mihara, J.; I concur: Bamattre-Manoukian, Acting P.J.;
Concurring and dissenting opinion by: McAdams, J.)

Filed October 21, 2004

Sixth Appellate District

San Jose, California

Thursday, October 21, 2004 (continued)

H026289 PEOPLE v. TRUJILLO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 21, 2004

FRIDAY, OCTOBER 22, 2004

H026343 LEE v. INTEL CORPORATION

(Filed order modifying opinion.) There is no change in
judgment. (not published)
(Premo, J.; Rushing, P.J.; Elia, J.)
Filed October 22, 2004

H026740 PEOPLE v. CHRISTOPHER P.

The judgment of wardship is affirmed. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Walsh,
J.*)
Filed October 22, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H027174 In re SONIA E.; DFCS v. SONIA L.

The trial court's order is affirmed. (not published)
(Rushing, P.J.; We concur: Elia, J., Mihara, J.)
Filed October 22, 2004

H027179 PEOPLE v. SKINNER

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed October 22, 2004

H026780 PEOPLE v. CEJA

The minute order of November 14, 2003, is modified as
follows: In the second line of the paragraph entitled "GANG
ORDERS," the italicized language is added where indicated: "no
association with *individuals defendant knows* are gang members,
not frequent any areas of gang related activity *as directed by*
the probation officer." As modified, the judgment is affirmed.
(not published)
(Premo, J.; We concur: Rushing, P.J., Mihara, J.)
Filed October 22, 2004

Sixth Appellate District

San Jose, California

Friday, October 22, 2004 (continued)

H025399 PEOPLE v. KRAMER

The judgment is reversed. The matter is remanded to the court for resentencing. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 22, 2004

H025946 PEOPLE v. HERNANDEZ

The judgment is reversed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 22, 2004